

Attorney Docket #10010261

EXAMINER'S REMARKS

A proper drawing correction was required in reply to the Office Action to avoid an abandonment of the application.

Claims 1-4 and 13-15 were rejected under 35 U.S.C. § 102 (b) as being anticipated by USPN 5,426,498 to Brueck et al. (hereinafter, Brueck).

Claims 9-12 were rejected under 35 U.S.C. § 102 (b) as being anticipated by USPN 5,288,993 to Bidiville et al. (hereinafter, Bidiville).

Claims 5-8 and 16-19 were objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

REMARKS

Claims 1-19 remain in this application. Claims 1, 9, and 13 have been amended.

A. Drawings

A proper drawing correction was required in reply to the Office Action to avoid an abandonment of the application. A corrected drawing of Figure 3 has been included in this response.

B. Claim rejections - 35 U.S.C. §102(b) - claims 1-4 and 13-15

Claims 1-4 and 13-15 were rejected under 35 U.S.C. § 102 (b) as being anticipated by USPN 5,426,498 to Brueck.

Brueck teaches a method wherein a reflected beam 4 must be recombined with a deflected beam 5 to form an interference pattern 7 to measure displacement.

In distinct contrast to the prior art, the present invention only requires a reflected beam to form the image. Deflected beams are not used to form the image, because they are deflected away from the lens (Page 6, paragraph 23).

Attorney Docket #10010261

Claims 1 and 13 have been amended to indicate that only reflected beams from the first regions are needed to form an image. Independent claims 1 and 13 are believed to be allowable. Dependent claims 2-8 and 14-19 are also believed to be allowable, based on the allowability of claims 1 and 13.

No new matter has been introduced with this amendment. The rejections to claims 1-9 and 13-19 are believed to be overcome.

C. Claim rejections - 35 U.S.C. §102(b) - claims 9-12

Claims 9-12 were rejected under 35 U.S.C. § 102 (b) as being anticipated by USPN 5,288,993 to Bidiville.

Bidiville teaches a speckled ball 60 that is rotated to control movement of a cursor on a display screen.

In distinct contrast to the prior art, the present invention teaches a flat surface, having regions with different reflectance (see Figure 7). Claim 9 has been amended to indicate that the regions are located on a flat surface. Independent claim 9 is believed to be allowable. Dependent claims 10-12 are also believed to be allowable, based on the allowability of claim 9.

No new matter has been introduced with this amendment. The rejections to claims 9-12 are believed to be overcome.

Attorney Docket #10010261

CONCLUSION

If the Examiner has any further questions or would like to discuss this application in more detail, he is invited to call the Applicant's agent at the telephone number given below. The Applicant respectfully suggests that the claims presently in the application are distinct over the prior art and that the application is now in condition for allowance. Accordingly, the Applicant solicits favorable action.

Respectfully submitted,
Robert Arthur Black



Judy Liao Shie
Patent Reg. No. 50,305

June 3, 2003
Agilent Technologies
Intellectual Properties Administration
Legal Department, M/S DL-429
815 SW 14th Street
Loveland, CO 80537
(408) 345-8920